

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARJORIE PHILLIPS,

Plaintiff,

against

THE FASHION INSTITUTE OF TECHNOLOGY,
MARY DAVIS, and MARILYN BARTON,

Defendants.

NOTICE OF MOTION

20-cv-00221 (GBD)

PLEASE TAKE NOTICE that, upon the Declaration of Tara Eyer Daub, Esq. in Support of Defendant Fashion Institute of Technology's ("FIT") Motion for Summary Judgment, dated June 9, 2022, together with the exhibits attached thereto, the Affidavit of Dr. Cynthia Glass, dated June 9, 2022, together with the exhibits attached thereto, the Affidavit of Anton Baptiste, dated June 3, 2022, Defendants' respective memoranda of law in support their respective Motions for Summary Judgment, and the Defendants' Joint Local Rule 56.1 Statement of Undisputed Facts, as well as all prior pleadings and proceedings herein, Defendants will move this Court, before the Honorable George B. Daniels, U.S.D.J., at the United States District Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, dismissing the Complaint filed by Plaintiff in this action in its entirety, and for such other, further, and different relief that this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE THAT pursuant to Judge Daniels' January 4, 2022 Scheduling Order (Docket No. 54), Plaintiff's opposition to Defendants' motions for summary judgment are due to be filed within 14 days; and Defendants' replies in further support

of their motions for summary judgment are due within 7 days.

Dated: June 9, 2022
Melville, New York

Respectfully submitted,

NIXON PEABODY LLP

By: /s/ Tara Eyer Daub

275 Broadhollow Road, Suite 300
Melville, New York 11747-4808
(516) 832-7500
tdaub@nixonpeabody.com

*Attorneys for Defendant
Fashion Institute of Technology*

SARETSKY KATZ & DRANOFF, L.L.P

By: /s/ Eric Dranoff

565 Taxter Road- Suite 210
Elmsford, New York 10523
Tel.: (212) 973-9797 x212
Fax: (212) 973-0939
edranoff@skdllp.com

Attorneys for Defendant Mary Davis

MENKEN SIMPSON & ROZGER LLP

/s/ Bruce E. Menken
/s/ Raya F. Saksouk
80 Pine St., 33rd Fl.
New York, NY
Tel.: 212-509-1616
Fax: 212-509-8088
bmenken@nyemployeeelaw.com
rsaksouk@nyemployeeelaw.com

Attorneys for Defendant Marilyn Barton

TO: All Parties (via ECF)